

THE HONORABLE SALVADOR MENDOZA, JR.

MICHAEL E. McFARLAND, JR., #23000
Evans, Craven & Lackie, P.S.
818 W. Riverside, Suite 250
Spokane, WA 99201-0910
(509) 455-5200; fax (509) 455-3632
Attorneys for Ferry County Defendants

IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

WENDY FARRIS,

Plaintiff,

vs.

Case No. 2:20-cv-00290-SMJ

LOREN CULP, REPUBLIC POLICE
DEPARTMENT, CHRISTINE
CLARK, FERRY COUNTY
SHERIFF,

DEFENDANTS' FIRST
AMENDED ANSWER TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT

Defendants.

COME NOW Defendants FERRY COUNTY and CHRISTINE CLARK
(collectively "Ferry County"), by and through their attorney of record, Michael
E. McFarland, Jr. of Evans, Craven & Lackie, P.S. and enter this First Amended
Answer to Plaintiff's First Amended Complaint (hereinafter "Complaint") as
follows:

INTRODUCTION

1. These answering defendants deny the allegations contained in

DEFENDANTS' FIRST AMENDED ANSWER TO
PLAINTIFF'S FIRST AMENDED COMPLAINT - page 1

Evans, Craven & Lackie, P.S.
818 W. Riverside, Suite 250
Spokane, WA 99201-0910
(509) 455-5200; fax (509) 455-3632

1 Paragraph 1 of Plaintiff's First Amended Complaint.

2 2. These answering defendants admit that Wendy Farris was
3 incarcerated at the Ferry County Jail for two days. These answering defendants
4 are without sufficient information to admit or deny the remaining allegations
5 contained in Paragraph 2 of Plaintiff's First Amended Complaint and therefore
6 deny the same.
7
8
9

10 3. These answering defendants deny the allegations contained in
11 Paragraph 3 of Plaintiff's First Amended Complaint. These answering
12 defendants further deny that Plaintiff is entitled to any relief.
13
14

15 **JURISDICTION AND VENUE**

16 4. These answering defendants admit that jurisdiction is proper.
17

18 5. These answering defendants admit that venue is proper.
19

20 6. These answering defendants admit the allegations contained in
21 Paragraph 6 of Plaintiff's First Amended Complaint.
22

23 **PARTIES**

24 7. These answering defendants are without sufficient information to
25 admit or deny the allegations contained in Paragraph 7 of Plaintiff's First
26 Amended Complaint and therefore deny the same.
27

28 8. These answering defendants admit the allegations contained in
29
30

1 Paragraph 8 of Plaintiff's First Amended Complaint.

2
3 9. These answering defendants are without sufficient information to
4 admit or deny the allegations contained in Paragraph 9 of Plaintiff's First
5 Amended Complaint and therefore deny the same.
6

7 10. These answering defendants admit that Ferry County is a
8 municipality located within the State of Washington. The remaining allegations
9 contained in Paragraph 10 of Plaintiff's First Amended Complaint constitute
10 legal conclusions to which no response is deemed necessary. To the extent a
11 response is deemed necessary, these answering defendants deny all allegations of
12 liability contained in Paragraph 10 of Plaintiff's First Amended Complaint.
13
14
15

16 11. These answering defendants admit the first sentence of Paragraph
17 11 of Plaintiff's First Amended Complaint. The second sentence constitutes legal
18 conclusions to which no response is deemed necessary.
19
20

21 **GENERAL ALLEGATIONS**

22 12. These answering defendants are without sufficient information to
23 admit or deny the allegations contained in Paragraph 12 of Plaintiff's First
24 Amended Complaint and therefore deny the same.
25
26

27 13. These answering defendants are without sufficient information to
28 admit or deny the allegations contained in Paragraph 13 of Plaintiff's First
29
30

1 Amended Complaint and therefore deny the same.

2
3 14. These answering defendants are without sufficient information to
4 admit or deny the allegations contained in Paragraph 14 of Plaintiff's First
5 Amended Complaint and therefore deny the same.
6

7 15. These answering defendants are without sufficient information to
8 admit or deny the allegations contained in Paragraph 15 of Plaintiff's First
9 Amended Complaint and therefore deny the same.
10

11 16. These answering defendants are without sufficient information to
12 admit or deny the allegations contained in Paragraph 16 of Plaintiff's First
13 Amended Complaint and therefore deny the same.
14
15

16 17. These answering defendants are without sufficient information to
17 admit or deny the allegations contained in Paragraph 17 of Plaintiff's First
18 Amended Complaint and therefore deny the same.
19
20

21 18. These answering defendants are without sufficient information to
22 admit or deny the allegations contained in Paragraph 18 of Plaintiff's First
23 Amended Complaint and therefore deny the same.
24

25 19. These answering defendants are without sufficient information to
26 admit or deny the allegations contained in Paragraph 19 of Plaintiff's First
27 Amended Complaint and therefore deny the same.
28
29

1 20. These answering defendants admit that on August 18, 2018, Ms.
2 Farris pulled her vehicle to the side of the road and fell asleep in her car. These
3 answering defendants are without sufficient information to admit or deny the
4 remaining allegations contained in Paragraph 20 of Plaintiff's First Amended
5 Complaint and therefore deny the same.
6
7

8 21. These answering defendants admit that Ms. Farris was awakened in
9 her vehicle by a knocking on her car window. These answering defendants are
10 without sufficient information to admit or deny the remaining allegations
11 contained in Paragraph 21 of Plaintiff's First Amended Complaint and therefore
12 deny the same.
13
14
15

16 22. These answering defendants admit that it took Ms. Farris some time
17 to figure out someone was knocking on her vehicle window. These answering
18 defendants are without sufficient information to admit or deny the remaining
19 allegations contained in Paragraph 22 of Plaintiff's First Amended Complaint
20 and therefore deny the same.
21
22
23

24 23. These answering defendants are without sufficient information to
25 admit or deny the allegations contained in Paragraph 23 of Plaintiff's First
26 Amended Complaint and therefore deny the same.
27

28 24. These answering defendants admit the allegations contained in
29
30

1 Paragraph 24 of Plaintiff's First Amended Complaint.

2 25. These answering defendants admit that Deputy Clark observed
3 Plaintiff asleep in her front seat and also admit that Deputy Clark called for EMS
4 after seeing Ms. Farris' body slumped towards the center console, her belt
5 undone and her hands in her lap. These answering defendants deny that Ms.
6 Farris' vehicle was pulled safely of the road.
7

8
9
10 26. These answering defendants admit the allegations contained in
11 Paragraph 26 of Plaintiff's First Amended Complaint.
12

13 27. These answering defendants deny that Deputy Clark "grilled" Ms.
14 Farris with questions. These answering defendants admit that Ms. Farris
15 attempted to answer questions asked of her.
16

17
18 28. These answering defendants deny the allegations contained in
19 Paragraph 28 of Plaintiff's First Amended Complaint.
20

21 29. These answering defendants admit the allegations contained in
22 Paragraph 29 of Plaintiff's First Amended Complaint.
23

24 30. These answering defendants admit that Vera Hamilton had
25 previously filed complaints against Deputy Clark. These answering defendants
26 deny that Ms. Farris told Deputy Clark that Vera Hamilton had been with her on
27 her trip. These answering defendants further deny that Deputy Clark has a long-
28
29

1 standing personal dislike for Vera Hamilton.

2
3 31. These answering defendants deny that Deputy Clark told Ms. Farris
4 that she could not leave until she had been medically cleared.

5
6 32. These answering defendants admit that Deputy Clark expanded the
7 scope of the stop into a DUI investigation. These answering defendants deny that
8 Deputy Clark had no justifiable reasonable suspicion or logical justification to
9 expand the scope of the stop into a DUI investigation.
10

11
12 33. These answering defendants deny that Deputy Clark told Ms. Farris
13 to step out of her car. These answering defendants admit that Ms. Farris stepped
14 out of the car. These answering defendants further admit that Deputy Clark took
15 control of Ms. Farris' person, turned Ms. Farris towards the car and frisked her.
16

17
18 34. These answering defendants admit the allegations contained in
19 Paragraph 34 of Plaintiff's First Amended Complaint.
20

21 35. These answering defendants admit the allegations contained in
22 Paragraph 35 of Plaintiff's First Amended Complaint.¹
23

24 36. These answering defendants admit that the ambulance crew
25 informed Deputy Clark that Ms. Farris' vitals were within the normal range.
26

27 ¹ BAC tests are not administered in the field. Further, Deputy Clark did not believe Ms. Farris
28 was intoxicated with alcohol and any test for other forms of intoxication are also not
29 performed in the field.

1 These answering defendants deny that nothing appeared to be wrong with Ms.
2 Farris. These answering defendants admit that Ms. Farris again requested a test
3 to be done that Deputy Clark could not perform while in the field.
4

5 37. These answering defendants are without sufficient information to
6 admit or deny the allegation regarding Ms. Farris' amount of quality sleep. These
7 answering defendants admit that Ms. Farris was increasingly becoming more
8 agitated.
9

10 38. These answering defendants deny that Deputy Clark "refused" to
11 believe Ms. Farris, as Deputy Clark was merely fulfilling the functions of her job
12 as a police officer. These answering defendants are without sufficient
13 information to admit or deny the remaining allegations contained in Paragraph
14 38 of Plaintiff's First Amended Complaint and therefore deny the same.
15

16 39. These answering defendants deny that Deputy Clark refused to
17 submit Ms. Farris to a BAC test, as BAC tests cannot be done while in the field.
18 These answering defendants further deny that Deputy Clark "demanded" Ms.
19 Farris submit to field sobriety tests, as Ms. Farris' decision to submit to field
20 sobriety tests was completely voluntary. These answering defendants admit that
21 Ms. Farris voluntarily agreed to perform the tests.
22

23 40. These answering defendants admit that Ms. Farris requested that
24

1 EMS staff remain on scene.

2 41. These answering defendants deny the allegations contained in
3
4 Paragraph 41 of Plaintiff's First Amended Complaint.

5 42. These answering defendants deny the allegations contained in
6
7 Paragraph 42 of Plaintiff's First Amended Complaint, as they presuppose that
8
9 Deputy Clark otherwise had Ms. Farris on camera. Ferry County does not equip
10 its police officers with cameras.

11 43. These answering defendants admit that Ms. Farris failed all of the
12
13 field sobriety tests. These answering defendants further admit that Ms. Farris
14
15 again asked for tests to prove she was not under the influence; tests which could
16
17 not be performed at this juncture. These answering defendants are without
18
19 sufficient information to admit or deny the allegations contained in Paragraph 43
20
21 of Plaintiff's First Amended Complaint regarding Ms. Farris' state of mind and
therefore deny the same.

22 44. These answering defendants deny the allegations contained in
23
24 Paragraph 44 of Plaintiff's First Amended Complaint.

25 45. These answering defendants admit that Deputy Clark called for City
26
27 of Republic police officer Loren Culp and his dog "Karma" to come and search
28
29 Ms. Farris' car for narcotics. These answering defendants are without sufficient

1 information to admit or deny whether Loren Culp was a newly certified K-9
2 handler and therefore deny the same.
3

4 46. These answering defendants admit the allegations contained in
5 Paragraph 46 of Plaintiff's First Amended Complaint.
6

7 47. These answering defendants are without sufficient information to
8 admit or deny the allegations contained in Paragraph 47 of Plaintiff's First
9 Amended Complaint and therefore deny the same.
10

11 48. These answering defendants are without sufficient information to
12 admit or deny the allegations contained in Paragraph 48 of Plaintiff's First
13 Amended Complaint and therefore deny the same.
14

15 49. These answering defendants are without sufficient information to
16 admit or deny the allegations contained in Paragraph 49 of Plaintiff's First
17 Amended Complaint and therefore deny the same.
18

19 50. These answering defendants are without sufficient information to
20 admit or deny the allegations contained in Paragraph 50 of Plaintiff's First
21 Amended Complaint and therefore deny the same.
22

23 51. These answering defendants deny the allegation contained in
24 Paragraph 51 of Plaintiff's First Amended Complaint that Karma's alert was not
25 reliable. These answering defendants are without sufficient information to admit
26

1 or deny the remaining allegations contained in Paragraph 51 of Plaintiff's First
2 Amended Complaint and therefore deny the same.
3

4 52. These answering defendants deny the allegations contained in
5 Paragraph 52 of Plaintiff's First Amended Complaint.
6

7 53. These answering defendants are without sufficient information to
8 admit or deny the allegations contained in Paragraph 53 of Plaintiff's First
9 Amended Complaint and therefore deny the same. These answering defendants
10 deny all allegations of liability that may be contained in Paragraph 53 of
11 Plaintiff's First Amended Complaint.
12
13

14 54. These answering defendants deny the allegation contained in
15 Paragraph 54 of Plaintiff's First Amended Complaint that Karma's alert was
16 "manipulated." These answering defendants admit that the officers on scene
17 searched Ms. Farris' car based on a search warrant that was applied for and
18 granted based on the alert by K-9 Karma.
19
20
21

22 55. These answering defendants admit that the officers found roughly
23 \$5000 in Ms. Farris' car. These answering defendants are without sufficient
24 information to admit or deny the remaining allegations contained in Paragraph
25 55 of Plaintiff's First Amended Complaint and therefore deny the same.
26
27

28 56. These answering defendants admit that Ms. Farris' car was
29
30

1 impounded. These answering defendants deny the remaining allegations
2 contained in Paragraph 56 of Plaintiff's First Amended Complaint.
3

4 57. These answering defendants deny that the officers' search of Ms.
5 Farris' vehicle was overzealous and further deny that Ms. Farris' vehicle was
6 permanently damaged as a result of the search. These answering defendants
7 admit that no drugs were found as a result of the search.
8
9

10 58. These answering defendants deny the allegations contained in
11 Paragraph 58 of Plaintiff's First Amended Complaint.
12

13 59. These answering defendants admit that Deputy Clark had Ms. Farris
14 sit in the Ferry County Jail room where BAC tests are administered. These
15 answering defendants deny that Ms. Farris was processed for DUI, as she refused
16 to answer standard procedure DUI questions.
17
18

19 60. These answering defendants admit that Ms. Farris denied taking a
20 BAC test. These answering defendants deny the remaining allegations contained
21 in Paragraph 60 of Plaintiff's First Amended Complaint.
22
23

24 61. These answering defendants admit that Deputy Clark asked Ms.
25 Farris to submit to a BAC test and that Ms. Farris responded that she had been
26 told not to answer questions until her attorney had arrived. These answering
27 defendants deny that Ms. Farris did not decline to undergo the BAC test. These
28
29

1 answering defendants are without sufficient information to admit or deny the
2 remaining allegations contained in Paragraph 61 of Plaintiff's Complaint and
3 therefore deny the same.
4

5 62. These answering defendants admit the allegations contained in
6 Paragraph 62 of Plaintiff's First Amended Complaint.
7

8 63. These answering defendants deny that Deputy Clark cited Ms.
9 Farris with a DUI. These answering defendants admit that Deputy Clark cited
10 Ms. Farris with being in violation of RCW 46.61.504.²
11

12 64. These answering defendants admit the allegations contained in
13 Paragraph 64 of Plaintiff's First Amended Complaint.
14

15 65. These answering defendants deny that Ms. Farris was booked on a
16 Friday, as Ms. Farris was actually booked on Saturday, August 18, 2018. These
17 answering defendants admit that Ms. Farris remained in Ferry County Jail until
18 Monday, August 20, 2018.
19

20 66. These answering defendants admit the allegations contained in
21 Paragraph 66 of Plaintiff's First Amended Complaint.
22

23 67. These answering defendants admit that Plaintiff was released from
24 Ferry County Jail. These answering defendants are without sufficient information
25

26
27
28 ²Plaintiff conflates a DUI citation with a Physical control citation. A DUI citation falls under
29 RCW 46.61.502, and Plaintiff was cited with violating RCW 46.61.504.
30

1 to admit or deny the remaining allegations contained in Paragraph 67 of
2 Plaintiff's Complaint and therefore deny the same.
3

4 68. These answering defendants admit the allegations contained in
5 paragraph 68 of Plaintiff's First Amended Complaint.
6

7 69. These answering defendants admit that Deputy Clark submitted Ms.
8 Farris' arrest to the State of Washington Department of Licensing. These
9 answering defendants deny that submitting the arrest was done so in retaliation.
10

11 70. These answering defendants deny that Ferry County "failed" to
12 inform the Department of Licensing of the dismissal of the DUI charge, as Ferry
13 County was under no such duty to do so.
14
15

16 71. These answering defendants admit the allegations contained in
17 Paragraph 71 of Plaintiff's First Amended Complaint.
18

19 72. These answering defendants deny the allegations contained in
20 Paragraph 72 of Plaintiff's First Amended Complaint.³
21

22 73. These answering defendants deny that Deputy Clark "falsely"
23 alleged that Ms. Farris refused to take a BAC test. These answering defendants
24 are without sufficient information to admit or deny the remaining allegations
25
26
27

28 ³ When Deputy Clark ultimately presented Ms. Farris with a breathalyzer, Ms. Farris refused to
29 take it.
30

1 contained in Paragraph 73 of Plaintiff's First Amended Complaint and therefore
2 deny the same.
3

4 74. These answering defendants deny that Deputy Clark "falsely"
5 alleged that Ms. Farris refused to take a BAC test. These answering defendants
6 are without sufficient information to admit or deny the remaining allegations
7 contained in Paragraph 74 of Plaintiff's First Amended Complaint and therefore
8 deny the same.
9
10

11 75. These answering defendants deny that Ms. Farris' license
12 suspension was unjustifiable. These answering defendants are without sufficient
13 information to admit or deny the remaining allegations contained in Paragraph
14 75 of Plaintiff's First Amended Complaint and therefore deny the same.
15
16

17 76. These answering defendants deny that Deputy Clark falsely asserted
18 that Ms. Farris refused to submit to a breathalyzer test. These answering
19 defendants admit that Ms. Farris was subsequently charged with Driving under
20 the Influence (Refusal).
21
22

23 77. These answering defendants are without sufficient information to
24 admit or deny the allegations contained in Paragraph 77 of Plaintiff's First
25 Amended Complaint and therefore deny the same.
26
27

28 78. These answering defendants are without sufficient information to
29
30

1 admit or deny the allegations contained in Paragraph 78 of Plaintiff's First
2 Amended Complaint and therefore deny the same.
3

4 79. These answering defendants admit the allegations contained in
5 Paragraph 79 of Plaintiff's First Amended Complaint.
6

7 80. These answering defendants are without sufficient information to
8 admit or deny the allegations contained in Paragraph 80 of Plaintiff's First
9 Amended and therefore deny the same.
10

11 81. These answering defendants are without sufficient information to
12 admit or deny the allegations contained in Paragraph 81 of Plaintiff's First
13 Amended Complaint and therefore deny the same.
14
15

16 82. These answering defendants admit that Deputy Clark has never
17 reached out to Ms. Farris to apologize. These answering defendants are without
18 sufficient information to admit or deny the remaining allegations contained in
19 Paragraph 82 of Plaintiff's First Amended Complaint and therefore deny the
20 same.
21
22
23

24 83. These answering defendants deny the allegations contained in
25 Paragraph 83 of Plaintiff's First Amended Complaint.
26

27 84. These answering defendants deny the allegations contained in
28 Paragraph 84 of Plaintiff's First Amended Complaint.
29
30

FIRST CLAIM FOR RELIEF

***42 U.D.C 1983 for Violation of Wendy Farris' Right to Freedom from
Unreasonable Searches and Seizures***

85. These answering defendants re-allege and reincorporate the forgoing paragraphs as if fully set forth herein.

A. Expansion of the scope by Deputy Clark

86. These answering defendants admit that Deputy Clark detained Ms. Farris on an investigatory stop upon receiving a call that Ms. Farris was slumped over in her car and parked off the side of the road. The remaining allegations contained in Paragraph 86 of Plaintiff's First Amended Complaint constitute legal conclusions to which no response is deemed necessary. To the extent a response is deemed necessary, these answering defendants deny all allegations contained in Paragraph 86 of Plaintiff's First Amended Complaint.

87. These answering defendants admit that the investigatory stop was to ensure Ms. Farris was okay. These answering defendants deny that Deputy Clark required Ms. Farris to submit to medical evaluation and to submit to field sobriety tests.

88. These answering defendants deny that Deputy Clark did not have reasonable suspicion to expand the scope of her stop into a DUI investigation. These answering defendants admit that Deputy Clark did not detect the odor of

1 alcohol or any other illicit substance and that she did not observe poor driving.
2
3 The remaining allegations contained in Paragraph 88 of Plaintiff's First
4 Amended Complaint constitute legal conclusions to which no response is
5 deemed necessary. To the extent a response is deemed necessary, these
6
7 answering defendants deny all allegations of liability contained in Paragraph 88
8
9 of Plaintiff's First Amended Complaint.

10 89. These answering defendants deny the allegations contained in
11
12 Paragraph 89 of Plaintiff's First Amended Complaint.

13 90. These answering defendants deny the allegations contained in
14
15 Paragraph 90 of Plaintiff's First Amended Complaint.

16 *B. False Arrest by Deputy Clark*
17

18 91. These answering defendants deny that Deputy Clark forced Ms.
19
20 Farris to submit to field sobriety tests, as the field sobriety tests Ms. Farris
21 underwent were voluntary.

22 92. These answering defendants deny the allegations contained in
23
24 Paragraph 92 of Plaintiff's First Amended Complaint.

25 93. These answering defendants deny the allegations contained in
26
27 Paragraph 93 of Plaintiff's First Amended Complaint.

28 94. These answering defendants deny the allegations contained in
29

1 Paragraph 93 of Plaintiff's First Amended Complaint.

2 95. These answering defendants deny the allegations contained in
3
4 Paragraph 95 of Plaintiff's First Amended Complaint.

5 96. These answering defendants deny the allegations contained in
6
7 Paragraph 96 of Plaintiff's First Amended Complaint.

8 97. These answering defendants deny the allegations contained in
9
10 Paragraph 97 of Plaintiff's First Amended Complaint.

11
12 *C. Vehicle Search without Probable Cause*

13 98. These answering defendants admit the allegations contained in
14
15 Paragraph 98 of Plaintiff's First Amended Complaint.

16 99. These answering defendants admit that Deputy Clark advised Loren
17
18 Culp that Ms. Farris had been placed under arrest for apparent intoxication.

19 100. These answering defendants are without sufficient information to
20
21 admit or deny the allegations contained in Paragraph 100 of Plaintiff's First
22
23 Amended Complaint and therefore deny the same.

24 101. These answering defendants are without sufficient information to
25
26 admit or deny the allegations contained in Paragraph 101 of Plaintiff's First
27
28 Amended Complaint and therefore deny the same.

29 102. These answering defendants deny the allegations contained in
30

1 Paragraph 102 of Plaintiff's First Amended Complaint.

2 103. These answering defendants admit that the search warrant used to
3 search Ms. Farris' vehicle was based upon K-9 Karma's alert. These answering
4 defendants deny that Ms. Farris' vehicle was "torn apart."
5

6 104. These answering defendants admit that Ms. Farris' vehicle was
7 searched and that no contraband was found.
8

9 105. These answering defendants deny the allegations contained in
10 Paragraph 105 of Plaintiff's First Amended Complaint.
11

12 106. These answering defendants deny the allegations contained in
13 Paragraph 106 of Plaintiff's First Amended Complaint.
14

15 107. These answering defendants deny the allegations contained in
16 Paragraph 107 of Plaintiff's First Amended Complaint.
17

18 108. These answering defendants deny the allegations contained in
19 Paragraph 108 of Plaintiff's First Amended Complaint.
20

21
22 **SECOND CLAIM FOR RELIEF**

23
24 ***42 U.S.C. 1983 Violation due to Malicious Prosecution against Deputy Clark***

25 109. These answering defendants re-allege and reincorporate the
26 forgoing paragraphs as if fully set forth herein.
27

28 110. These answering defendants admit the allegations contained in
29

1 Paragraph 110 of Plaintiff's First Amended Complaint.

2
3 111. These answering defendants admit that Ms. Farris was asleep with
4 her car keys in her pocket⁴ when Deputy Clark first contacted her. These
5 answering defendants deny that Ms. Farris' car was safely parked. The remaining
6 allegations contained in Paragraph 111 of Plaintiff's First Amended Complaint
7 constitute legal conclusions to which no response is deemed necessary. To the
8 extent a response is deemed necessary, these answering defendants deny all
9 allegations of liability contained in Paragraph 111 of Plaintiff's First Amended
10 Complaint.
11

12
13 112. These answering defendants deny the allegations contained in
14 Paragraph 112 of Plaintiff's First Amended Complaint.
15

16
17 113. These answering defendants deny the allegations contained in
18 Paragraph 113 of Plaintiff's First Amended Complaint.
19

20
21 114. These answering defendants deny the allegations contained in
22 Paragraph 114 of Plaintiff's First Amended Complaint.
23

24
25 115. These answering defendants admit that Ms. Farris' cases were
26 dismissed while Ferry County Prosecuting Attorney Kathryn Burke awaited the
27 results of Ms. Farris' blood toxicology.

28 ⁴ While Ms. Farris had her "keys" in her pocket, Ms. Farris' keys were actually a key fob and
29 Ms. Farris' vehicle was capable of being started with a push-start button.

1 116. These answering defendants deny the allegations contained in
2 Paragraph 116 of Plaintiff's First Amended Complaint.
3

4 **THIRD CLAIM FOR RELIEF**

5 ***42 U.S.C. 1983 Violation (Monell Liability) against Ferry County and City of***
6 ***Republic***
7

8 117. These answering defendants re-allege and reincorporate the
9 forgoing paragraphs as if fully set forth herein.
10

11 ***A. City of Republic is Responsible for the Practices of Its Policymaker***
12

13 118. The allegations contained in Paragraph 118 of Plaintiff's First
14 Amended Complaint are not directed at these answering defendants, and as such
15 no answer is deemed necessary. To the extent an answer is deemed necessary,
16 these answering defendants deny all allegations of liability contained in
17 Paragraph 118 of Plaintiff's First Amended Complaint.
18
19

20 119. The allegations contained in Paragraph 119 of Plaintiff's First
21 Amended Complaint are not directed at these answering defendants, and as such
22 no answer is deemed necessary. To the extent an answer is deemed necessary,
23 these answering defendants deny all allegations of liability contained in
24 Paragraph 119 of Plaintiff's First Amended Complaint.
25
26

27 120. The allegations contained in Paragraph 120 of Plaintiff's First
28
29

1 Amended Complaint are not directed at these answering defendants, and as such
2 no answer is deemed necessary. To the extent an answer is deemed necessary,
3 these answering defendants deny all allegations of liability contained in
4 Paragraph 120 of Plaintiff's First Amended Complaint.
5
6

7 121. The allegations contained in Paragraph 121 of Plaintiff's First
8 Amended Complaint are not directed at these answering defendants, and as such
9 no answer is deemed necessary. To the extent an answer is deemed necessary,
10 these answering defendants deny all allegations of liability contained in
11 Paragraph 121 of Plaintiff's First Amended Complaint.
12
13

14 122. These answering defendants deny the allegations contained in
15 Paragraph 122 of Plaintiff's First Amended Complaint.
16
17

18 123. These answering defendants deny the allegations contained in
19 Paragraph 123 of Plaintiff's First Amended Complaint.
20

21 *B. Ferry County is liable for failure to train*

22 124. These answering defendants deny the allegations contained in
23 Paragraph 124 of Plaintiff's First Amended Complaint.
24

25 125. These answering defendants deny the allegations contained in
26 Paragraph 125 of Plaintiff's First Amended Complaint.
27

28 126. These answering defendants deny the allegations contained in
29
30

1 Paragraph 126 of Plaintiff's First Amended Complaint.

2 127. These answering defendants deny the allegations contained in
3
4 Paragraph 127 of Plaintiff's First Amended Complaint.

5 128. These answering defendants deny the allegations contained in
6
7 Paragraph 128 of Plaintiff's First Amended Complaint.

8 129. These answering defendants deny the allegations contained in
9
10 Paragraph 129 of Plaintiff's First Amended Complaint.

11 130. These answering defendants deny the allegations contained in
12
13 Paragraph 130 of Plaintiff's First Amended Complaint.

14 131. These answering defendants deny the allegations contained in
15
16 Paragraph 131 of Plaintiff's First Amended Complaint.

17 132. These answering defendants deny the allegations contained in
18
19 Paragraph 132 of Plaintiff's First Amended Complaint.

20 133. These answering defendants deny the allegations contained in
21
22 Paragraph 133 of Plaintiff's First Amended Complaint.

23
24 **FOURTH CLAIM FOR RELIEF**

25 *State Claim for False Arrest/False Imprisonment against Deputy Clark and*
26 *Ferry County*

27
28 134. These answering defendants re-allege and reincorporate the
29

1 forgoing paragraphs as if fully set forth herein.

2 135. These answering defendants admit the allegations contained in
3
4 Paragraph 135 of Plaintiff's First Amended Complaint.

5 136. These answering defendants admit that Deputy Clark performed an
6
7 investigatory stop upon receiving a call that Ms. Farris was slumped over in her
8
9 car and parked off the side of the road.

10 137. These answering defendants admit that the purpose of the
11
12 investigatory stop was to make sure that Ms. Farris was okay. These answering
13
14 defendants deny that Deputy Clark required Ms. Farris to submit to medical
15
16 evaluation. These answering defendants further deny that Deputy Clark required
17
18 Ms. Farris to submit to field sobriety tests.

19 138. These answering defendants are without sufficient information to
20
21 admit or deny the allegations contained in Paragraph 138 of Plaintiff's First
22
23 Amended Complaint and therefore deny the same.

24 139. These answering defendants deny that Deputy Clark did not have
25
26 reasonable suspicion to expand the scope of her stop into a DUI investigation.
27
28 These answering defendants admit that Deputy Clark did not detect the odor of
29
30 alcohol or any other illicit substance and that she did not observe poor driving.
The remaining allegations contained in Paragraph 139 of Plaintiff's First

1 Amended Complaint constitute legal conclusions to which no response is
2 deemed necessary. To the extent a response is deemed necessary, these
3
4 answering defendants deny all allegations of liability contained in Paragraph 139
5 of Plaintiff's First Amended Complaint.
6

7 140. These answering defendants deny the allegations contained in
8
9 Paragraph 140 of Plaintiff's First Amended Complaint.

10 141. These answering defendants deny the allegations contained in
11
12 Paragraph 141 of Plaintiff's First Amended Complaint.

13 142. These answering defendants deny the allegations contained in
14
15 Paragraph 142 of Plaintiff's First Amended Complaint.

16 143. These answering defendants deny the allegations contained in
17
18 Paragraph 143 of Plaintiff's First Amended Complaint.

19 144. These answering defendants deny the allegations contained in
20
21 Paragraph 144 of Plaintiff's First Amended Complaint.

22 145. These answering defendants deny the allegations contained in
23
24 Paragraph 145 of Plaintiff's First Amended Complaint.

25 146. These answering defendants deny the allegations contained in
26
27 Paragraph 146 of Plaintiff's First Amended Complaint.

28 147. These answering defendants deny the allegations contained in
29
30

1 Paragraph 147 of Plaintiff's Complaint.

2
3 **FIFTH CLAIM FOR RELIEF**

4 ***State Claim for Malicious Prosecution against Deputy Clark and Ferry County***

5 148. These answering defendants re-allege and reincorporate the
6 forgoing paragraphs as if fully set forth herein.

7
8 149. These answering defendants admit the allegations contained in
9 Paragraph 149 of Plaintiff's First Amended Complaint.

10 150. These answering defendants deny the allegations contained in
11 Paragraph 150 of Plaintiff's First Amended Complaint.

12 151. These answering defendants admit that Ms. Farris was asleep with
13 her car keys in her pocket⁵ when Deputy Clark first contacted her. These
14 answering defendants deny that Ms. Farris' car was safely parked. The remaining
15 allegations contained in Paragraph 151 of Plaintiff's First Amended Complaint
16 constitute legal conclusions to which no response is deemed necessary. To the
17 extent a response is deemed necessary, these answering defendants deny all
18 allegations of liability contained in Paragraph 151 of Plaintiff's First Amended
19 Complaint.
20
21
22
23
24
25
26

27
28
29 ⁵ While Ms. Farris had her "keys" in her pocket, Ms. Farris' keys were actually a key fob and
30 Ms. Farris' vehicle was capable of being started with a push-start button.

1 152. These answering defendants deny the allegations contained in
2 Paragraph 152 of Plaintiff's First Amended Complaint.
3

4 153. These answering defendants deny the allegations contained in
5 Paragraph 153 of Plaintiff's First Amended Complaint.
6

7 154. These answering defendants deny the allegations contained in
8 Paragraph 154 of Plaintiff's First Amended Complaint.
9

10 155. These answering defendants admit that Ms. Farris' cases were
11 dismissed while Ferry County Prosecuting Attorney Kathryn Burke awaited the
12 results of Ms. Farris' blood toxicology.
13

14 156. These answering defendants deny the allegations contained in
15 Paragraph 153 of Plaintiff's First Amended Complaint.
16
17

18 **SIXTH CLAIM FOR RELIEF**

19 *State Claim for Negligence against all Defendants*
20

21 157. These answering defendants re-allege and reincorporate the
22 forgoing paragraphs as if fully set forth herein.
23

24 158. These answering defendants admit the allegations contained in
25 Paragraph 158 of Plaintiff's First Amended Complaint.
26

27 159. These answering defendants are without sufficient information to
28 admit or deny the allegations contained in Paragraph 159 of Plaintiff's First
29

1 Amended Complaint and therefore deny the same.

2
3 160. The allegations contained in Paragraph 160 of Plaintiff's First
4 Amended Complaint constitute legal conclusions to which no response is
5 deemed necessary. To the extent a response is deemed necessary, these
6
7 answering defendants deny the allegations contained in Paragraph 160 of
8
9 Plaintiff's First Amended Complaint.

10 161. The allegations contained in Paragraph 161 of Plaintiff's First
11 Amended Complaint constitute legal conclusions to which no response is
12 deemed necessary. To the extent a response is deemed necessary, these
13
14 answering defendants deny the allegations contained in Paragraph 161 of
15
16 Plaintiff's First Amended Complaint.

17
18 162. The allegations contained in Paragraph 162 of Plaintiff's First
19 Amended Complaint constitute legal conclusions to which no response is
20 deemed necessary. To the extent a response is deemed necessary, these
21
22 answering defendants deny the allegations contained in Paragraph 162 of
23
24 Plaintiff's First Amended Complaint.

25 *Deputy Clark's Breach of Duty*

26
27 163. These answering defendants deny the allegations contained in
28
29 Paragraph 163 of Plaintiff's First Amended Complaint.

1 164. These answering defendants deny the allegations contained in
2 Paragraph 164 of Plaintiff's First Amended Complaint.
3

4 165. These answering defendants deny the allegations contained in
5 Paragraph 165 of Plaintiff's First Amended Complaint.
6

7 166. These answering defendants deny the allegations contained in
8 Paragraph 166 of Plaintiff's First Amended Complaint.
9

10 167. These answering defendants deny the allegations contained in
11 Paragraph 167 of Plaintiff's First Amended Complaint.
12

13 *Chief Culp's Breach of Duty*
14

15 168. The allegations contained in Paragraph 168 of Plaintiff's First
16 Amended Complaint are not directed at these answering defendants, and as such
17 no answer is deemed necessary. To the extent an answer is deemed necessary,
18 these answering defendants deny all allegations of liability contained in
19 Paragraph 168 of Plaintiff's First Amended Complaint.
20
21

22 169. The allegations contained in Paragraph 169 of Plaintiff's First
23 Amended Complaint are not directed at these answering defendants, and as such
24 no answer is deemed necessary. To the extent an answer is deemed necessary,
25 these answering defendants deny all allegations of liability contained in
26 Paragraph 169 of Plaintiff's First Amended Complaint.
27
28
29

1 170. The allegations contained in Paragraph 170 of Plaintiff's First
2 Amended Complaint are not directed at these answering defendants, and as such
3 no answer is deemed necessary. To the extent an answer is deemed necessary,
4 these answering defendants deny all allegations of liability contained in
5 Paragraph 170 of Plaintiff's First Amended Complaint.
6

7
8 171. The allegations contained in Paragraph 171 of Plaintiff's First
9 Amended Complaint are not directed at these answering defendants, and as such
10 no answer is deemed necessary. To the extent an answer is deemed necessary,
11 these answering defendants deny all allegations of liability contained in
12 Paragraph 171 of Plaintiff's First Amended Complaint.
13

14
15 172. The allegations contained in Paragraph 172 of Plaintiff's First
16 Amended Complaint are not directed at these answering defendants, and as such
17 no answer is deemed necessary. To the extent an answer is deemed necessary,
18 these answering defendants deny all allegations of liability contained in
19 Paragraph 172 of Plaintiff's First Amended Complaint.
20

21
22 173. The allegations contained in Paragraph 173 of Plaintiff's First
23 Amended Complaint are not directed at these answering defendants, and as such
24 no answer is deemed necessary. To the extent an answer is deemed necessary,
25 these answering defendants deny all allegations of liability contained in
26

1 Paragraph 173 of Plaintiff's First Amended Complaint.

2
3 174. The allegations contained in Paragraph 174 of Plaintiff's First
4 Amended Complaint are not directed at these answering defendants, and as such
5 no answer is deemed necessary. To the extent an answer is deemed necessary,
6 these answering defendants deny all allegations of liability contained in
7 Paragraph 174 of Plaintiff's First Amended Complaint.
8
9

10 *Ferry County Sheriff's Breach of Duty*

11
12 175. These answering defendants deny the allegations contained in
13 Paragraph 175 of Plaintiff's First Amended Complaint.
14

15 176. These answering defendants deny the allegations contained in
16 Paragraph 176 of Plaintiff's First Amended Complaint.
17

18 177. These answering defendants deny the allegations contained in
19 Paragraph 177 of Plaintiff's First Amended Complaint.
20

21 178. These answering defendants deny the allegations contained in
22 Paragraph 178 of Plaintiff's First Amended Complaint.
23

24 179. These answering defendants deny the allegations contained in
25 Paragraph 179 of Plaintiff's First Amended Complaint.
26

27 180. These answering defendants deny the allegations contained in
28 Paragraph 180 of Plaintiff's First Amended Complaint.
29
30

1 181. These answering defendants deny the allegations contained in
2 Paragraph 181 of Plaintiff's First Amended Complaint.
3

4 182. These answering defendants deny the allegations contained in
5 Paragraph 182 of Plaintiff's First Amended Complaint.
6

7 **PRAYER FOR RELIEF**

8
9 These answering defendants deny all allegations of liability in this matter
10 and therefore deny that Plaintiff is entitled to any recovery from these answering
11 defendants. These answering defendants further deny the existence, nature and
12 extent of Plaintiff's claimed injuries and damages.
13

14
15 To the extent any allegation has not been admitted, or a lack of
16 information claimed, it is denied.
17

18 **JURY DEMAND**

19 In accordance with F.R.C.P. 38 and pursuant to the Seventh Amendment,
20 these answering defendants hereby demand this matter appear before a jury.
21

22 **AFFIRMATIVE DEFENSES**

23
24 1. Plaintiff has failed to state a claim upon which relief can be granted.
25
26 2. Deputy Clark at all times acted reasonably and in good faith and is
27 entitled to qualified immunity.

28 3. Based upon information and belief, and subject to discovery,
29

1 Plaintiff may have failed to mitigate her damages.

2
3 4. Based upon belief, and subject to discovery, Plaintiff's claimed
4 injuries and damages may be the result of Plaintiff's own actions and inactions.

5
6 **DEFENDANTS' PRAYER FOR RELIEF**

7 WHEREFORE, having fully answered Plaintiff's Complaint, Defendants
8
9 request that Judgment be entered against Plaintiff as follows:

- 10 1. Judgment dismissing Plaintiff's Complaint with prejudice;
11
12 2. Reasonable attorney fees and costs; and
13
14 3. For such other and further relief as the Court deems equitable.

15 DATED this 24th day of November, 2020.

16 EVANS, CRAVEN & LACKIE, P.S.

17
18 By: s/ Michael E. McFarland, Jr.
19 MICHAEL E. McFARLAND, JR., #23000
20 Attorneys for Ferry County Defendants
21
22
23
24
25
26
27
28
29
30

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Counsel for Plaintiff

Eric M. Fong
Fong Law, PLLC
569 Division Street, Suite A
Port Orchard, WA 98366
Email: eric@ericfronglaw.com

Counsel for Culp and City of Republic

Jerry Moberg
Mary Rathbone
Moberg Rathbone Kearns, P.S.
124 3rd Avenue S.W.
P.O. Box 130
Ephrata, WA 98823
Email: jmoberg@mrklawgroup.com
Email: mrathbone@mrklawgroup.com

s/ Michael E. McFarland, Jr.

MICHAEL E. McFARLAND, #23000
Attorney for Ferry County Defendant
Evans, Craven & Lackie, P.S.
818 W. Riverside Ave., Suite 250
Spokane, Washington 99201
(509) 455-5200
(509) 455-3632 Facsimile
MMcFarland@ecl-law.com